REMARKS

The office action issued by the Examiner and the citations referred to in the office action have been carefully considered. Reconsideration is respectfully requested.

Claims 6-9, 15-18 were rejected under 35 U.S.C. 112, as being indefinite. Amendments have been made to overcome these rejections.

Claims 5, 9 and 10 are cancelled without prejudice. Appropriate features from those claims have been added to the independent claims 1 10 and 25 respectively.

Claims 1, 10 and 25 include having the icons be for animal characteristics dependant on age and sex, and animal characteristics dependant on animal grouping, and disease state, and wherein the icons are for groupings of at least three of the following animal groups, namely adult, puppy-adolescent, geriatric, large breed dog, or sight hound. Additionally there are icons for a disease state, being thyroid disease, the icons being representative of being normal relative to thyroid disease, and abnormal relative to thyroid disease. Further these claims indicate that the second computer program is configured to permit supplementation of the data from the first computer program.

New dependent claims 40 to 45 are added. These claims 40 to 42 cover the groupings for all of adult, puppy-adolescent, geriatric, large breed dog, or sight hound respectively. Claims 43 to 45 cover an icon for a disease state requiring treatment for thyroid disease and for an indication of thyroid autoantibody.

Claims 1-18 and 25 were rejected under U.S.C. 103(a) as obvious over Barnhill (U.S. Pat. 6,248,063) in view of Mayaud (US Pat 5,845,255) and Jensen (J. Comp. Path., 1996, Vol. 114, pp. 339-346).

The claims as amended respectfully overcome these rejections, and also are patentable over those references.

The following understanding of the invention, paraphrasing Claim 1 should assist the Examiner.

The invention defines a method, system, or procedure directed to:

A diagnosis of the health of an animal which requires
a combination of computerized data and human interpretation:

A.

> *data is obtained relating to the physical characteristics of the animal,*
>> *the data is from at least one of a physical inspection and family and breed history*
> *the data is submitted to a clinical pathologist;*
> *a physical blood sample from the animal is taken for laboratory analysis;*
> *the blood samples is physically carried **to the main laboratory** for analysis;*

B.

> *a computer generated report of the laboratory analysis is obtained;*
> *the analysis is reported through a network to the **clinical pathologist**,*
> ***the clinical pathologist has the data relating to the physical characteristics,***
>> *makes a diagnosis of the animal health* **[namely human interaction]**;
>> *obtains* **[namely human interaction from a computer generated system]**
> *from a menu on a computer screen a supplemental diagnostic report to support the diagnosis;*
>> *enhances* **[namely human interaction]** *the supplemental report by a further input from the pathologist through data entry to **obtain an enhanced diagnostic report** [namely human interpretation];*
>> *obtains an **integrated computer report** having the*
>>> *laboratory analysis* **[computer generated],**
>>> *supplemental diagnostic report, and*
>>> *an enhanced diagnostic report;*
>> *electronically communicates the **enhanced diagnostic report** [namely* **obtained by computer and human interaction]**; *to a remotely located client.*

Claims 1, 10 and 25 define an invention which is clearly patentable over the prior art.

The independent claims additionally require that:

- the second computer program includes icons defining predetermined supplemental report characteristics
- selected icons may be used by the clinical pathologist to supplement the laboratory report

- the icons are for animal characteristics dependant on age and sex, and
  animal characteristics dependant on animal grouping
- the icons are for groupings of at least three of the following animal groups,
  namely adult, puppy-adolescent, geriatric, large breed dog, or sight hound
- icons for a disease state, being thyroid disease
- the icons being representative of being normal relative to thyroid disease,
  and abnormal relative to thyroid disease

The references do not remotely relate to the features for instance of Claim 1 paraphrased above.

They do not relate to obtaining and electronically delivering a **diagnosis of the health of an animal** through a combination of computerized data and human interpretation where data relating to the physical characteristics of the animal.

The data is obtained from a physical inspection and family and breed history of the animal given to a clinical pathologist.

A computer generated report of the laboratory analysis reports the computer analysis to a clinical pathologist. The clinical pathologist has the data relating to the physical characteristics, and thereby makes a diagnosis of the animal health by human interaction.

A **supplemental diagnostic report** to support the diagnosis is obtained.

An enhanced report may be obtained by a further input from the pathologist through data entry.

The integrated computer report having the laboratory analysis, **supplemental**, and an **enhanced diagnostic report** is all electronically communicated to a remotely located client.

There are multiple levels of activity which are spelt out, for instance, in claim 1. These are not remotely disclosed, taught or suggested by the references. Nowhere are the steps of the main laboratory and activities of the clinical pathologist even considered in the references.

Nowhere are the different levels of report considered. Nowhere are the animal characteristics, even part of the references.

Even more so, in respect of there is the need for securing a blood sample from the animal and submitting the blood sample for laboratory analysis. This is not disclosed, taught or suggested in the references.

The **diagnosis** of the health of an animal is through a combination of computerized data and human interpretation related to the animal which requires obtaining data relating to the physical characteristics of the animal, the data being obtained from a physical inspection and family and breed history of the animal, and the data submitted to a clinical pathologist; and blood sample being laboratory analyzed.

The invention is concerned with obtaining at least four input data so that thereafter there can be an interpretation by a combination of computerized data and human interaction.

The data is obtaining relating to the physical characteristics of the animal, and thus the data is obtained from a physical inspection and family history of the animal. The data is submitted to a clinical pathologist.

A computer generated report of the laboratory analysis from the laboratory is sent through a network to a clinical pathologist. The clinical pathologist has the data relating to the physical characteristics, and thereby makes a diagnosis of the animal health as an enhanced diagnostic report. This is communicated electronically to a remotely located client.

There is a method of obtaining and electronically delivering a diagnosis of the health of an animal through a combination of computerized data and human interpretation related to the animal.

None of the cited art relates to animal disease diagnosis with characteristics unique to animals, as indicated in each of these independent claims. Hence human type prior art systems

are not relevant and do not teach features necessary for animal disease diagnosis as claimed. Thus, the cited references are not appropriate prior art.

Fundamentally, Barnhill, which is a neural network system, does not define the features of the above claim 1. There is not the remotest sense that Barnhill can be used to provide anything more than a neural network report, namely solely a computer based analysis. There is no sense of a supplemental report being generated by human interaction. Further, there is no sense or disclosure or suggestion of an enhanced report being generated by human interaction.

Further as defined in the claim 1 there are different aspects which are part of the invented system method or procedure for affecting the diagnosis and providing the enhanced report to the first location. In other words, obtaining some (raw) data about a patient, and also performing some laboratory analysis. This is assembled all this together and through that a computer generated laboratory analysis and the human interaction and analysis, a meaningful enhanced report is obtained.

This is very far removed from solely a neural network analysis of data as per Barnhill.

The Examiner admits that the Barnhill does not specifically teach the invention. Also, the Examiner affirms that Mayaud is a wireless electronic prescription and reusable data retrieval system. The invention is very far removed from a management system to regulate prescriptions. It makes no sense to combine these two references. Even if combined these two references do not teach the multiple activities and requirements of the invention as claimed, nor does do they teach the steps at those locations and nor do they teach the computer generated and human enhanced diagnosis of disease.

A prescription management system is very far removed from a laboratory diagnostic system and a pathologist's expert enhancement of a diagnostic report for **diagnosis or analysis purposes of disease**. Entry of drug data in Mayaud has nothing to do with analysis of disease states and diagnosis of disease.

Nowhere in the cited references is there:

> obtaining data relating to the physical characteristics of the animal,
>> the data is from at least one of a physical inspection and family and breed history
> submitting the data to a clinical pathologist at the second location,
> submitting a physical blood sample from the animal to laboratory analysis;

and

> having the clinical pathologist have the physical characteristics,
> making a diagnosis of the animal health;
> obtaining from a menu on a computer screen a **supplemental diagnostic report** to support the diagnosis;
> enhancing the supplemental report by a further input from the pathologist through data entry
>> obtaining an integrated computer report having the
>>> laboratory analysis,
>>> supplemental **diagnostic** report, and
>>> an enhanced **diagnostic** report;
> electronically communicating the **enhanced diagnostic report** to a remotely located

client.

Furthermore as stated above, the independent claims additionally require that:

- the second computer program includes icons defining predetermined supplemental report characteristics
- selected icons may be used by the clinical pathologist to supplement the laboratory report
- the icons are for animal characteristics dependant on age and sex, and animal characteristics dependant on animal grouping
- the icons are for groupings of at least three of the following animal groups, namely adult, puppy-adolescent, geriatric, large breed dog, or sight hound
- icons for a disease state, being thyroid disease
- the icons being representative of being normal relative to thyroid disease, and abnormal relative to thyroid disease

The Examiner's application of Jensen does not remotely affect the patentability of the present claims. Jensen comments in his summary: "The assay alone was therefore not capable of giving a firm diagnosis." Thus Jensen already states that the TSH assay for determining thyroid disease is inadequate. More so, Jensen is not remotely a teaching of the groupings of animal groups, namely adult, puppy-adolescent, geriatric, large breed dog, or sight hound.

In view of the above, it is submitted that the claims as presented are patentable over the cited art.

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 058034-011800 is referred to when charging any payments or credits for this case.

Respectfully submitted,

Date: June 6, 2007

R. Joseph Foster
Reg. No. 56,953

GREENBERG TRAURIG, LLP
2450 Colorado Avenue, Suite 400E
Santa Monica, CA 90404
Phone: (310) 586-7700
Fax: (310) 586-7800
E-mail: laipmail@gtlaw.com
LA 126811153v1